

Tamarack Grazing Allotment Management Plan Heritage Report

Regulatory Framework

The following laws apply to the Tamarack Allotment Project: National Environmental Policy Act, National Historic Preservation Act (NHPA), the Archaeological and Historic Preservation Act, the Archaeological Resources Protection Act, the American Indian Religious Freedom Act. The Federal action referred to as an undertaking within the NHPA is general livestock grazing as authorized by Federal permit. Section 106 of the NHPA requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Additional policy direction relating to heritage resources is provided in the Umatilla National Forest Land and Resource Management Plan (LRMP) and the Forest Service Manual. Further direction has also been provided in the Regional Forester policy letter of May 19, 2006, "*Grazing Permit Reauthorization and National Historic Preservation Act*" which outlines the Grazing Allotment review strategy for Section 106 compliance (additional details provided in the existing conditions section).

In the 2004 PA with the Oregon SHPO, a streamlined compliance process with the NHPA is outlined. It targets numerous undertakings with limited potential to negatively affect cultural resources. The majority of the aquatics restoration project work covered by this analysis falls under the criteria of undertakings, which can receive NHPA clearance using these streamlined procedures. Most work conducted under the proposed project is of a nature that has very limited potential to effect cultural resources. These are exempt from case-by-case review under appendices A, B, and C of the 2004 Programmatic Agreement. Those cleared under Appendix B in that document would be inspected or monitored as required under the 2004 Programmatic Agreement.

Consultation with Native American tribes is conducted under the terms of the Memorandums of Understanding the Forest has with each individual tribe. The Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes

reserved rights are protected. Consultation with Tribes helps ensure that these trust responsibilities are met. The Forest regularly consults with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs Reservation. The Forest consulted, via the NEPA scoping process and program of work meetings, with the potentially affected Tribes (Umatilla and Warm Springs), and no significant effects were determined or identified. Hence, the project will not adversely affect any known American Indian religious or cultural sacred sites. Scoping letters were sent to the Umatilla and Warm Springs Tribes before the January 16, 2016 public scoping period began. In addition, the monitoring report was sent to SHPO and the Tribes on July 21, 2016. SHPO concurrence was received on August 11, 2016, there was no response from the Tribes.

If any previously unidentified cultural resources are located during project implementation, ground disturbing work will be halted, in the vicinity, until the resources are evaluated by the South Zone archaeologist. If the cultural resources are determined to be potentially eligible for listing on the NRHP work will either be permanently halted or a mitigation plan will be developed in consultation with the Oregon SHPO before work continues.

The proposed action will have no effects to heritage or cultural resources known to occur in the allotment, based on these findings, a determination of “no historic properties affected” is proposed for the project pursuant to 36 CFR 800.

Existing Conditions

This section evaluates and compares the existing and reference conditions of heritage resources within the assessment area. The term “heritage resources” is used to encompass archeological sites, in-use historic buildings (and other structures and features), and traditional cultural properties (TCPs). To complete this analysis, several types of information were used to gather heritage resource data, including heritage resource types and the distribution of those resources on the landscape; in order to understand how this project could affect them. A literature search identified site types and the effects on those sites by other similar projects completed in the past, and also helped to describe the distribution of heritage resources based on altitude, slope and aspect; procured resources, and proximity to water. Maps were used as a visual tool to identify heritage resource distribution based on location and topography. In conjunction with the Range Specialist, areas of potential cattle effects (APCE) were also identified in the Area of Potential Effect

(APE), the latter is defined as Forest Service land within the allotment boundary. The APCE consists of locations where there is disturbance by cattle, which are often area of livestock concentration (e.g., water sources, corrals).

The record of heritage resource sites has been defined by heritage resource survey and reconnaissance activities conducted within the assessment area. All of the project area has been surveyed for cultural resources, and has been inventoried adequately to the standards under the present inventory strategy. Over 40 previous inventories intersect the project area, resulting in the identification of 36 heritage resources in the project area. All of these were recorded in prior surveys. Of these, 13 are sites and 23 are isolated finds. These records include prehistoric (n=24) and historic (n=12). Four sites have been evaluated as eligible to the National Register of Historic Places (NRHP). Monitoring was conducted at all proposed water development loci, at a sample of areas where livestock might be expected to congregate for periods, and field visits to a sample of heritage sites, with emphasis placed on those that may have experienced some sort of impacts from grazing (e.g., animal trampling). The results of monitoring indicate that previous actions to protect eligible sites from impacts were enacted and are effective. No previously unknown sites or isolated materials were encountered during the on-sites.

Environmental Consequences

Alternative 1 (No Grazing)

Under this Alternative, cattle grazing would be eliminated within the Tamarack Allotment. There would be no direct, indirect, or cumulative effects on cultural resources.

Alternative 2 (Current Management)

This alternative would maintain the current grazing management in the allotment, including stocking levels, season of use, number of pastures, and grazing rotation. By complying with Section 106 of the NHPA using the processes outlined in the 2004 Programmatic Agreement with the Oregon State Historic Preservation Office there would be no significant direct, indirect or cumulative effect to cultural resources under this alternative.

Alternative 3 (Current Management with Modifications)

The direct and indirect effects are similar to those described under Alternative 2. The major difference is the addition of new fencing and up to nine new water developments that would be constructed under this alternative. Culturally significant plants could see a beneficial impact from the implementation of project activities, particularly for their associated habitats. This is due to the fact that the proposed spring developments, fences, and changes to grazing system timing (especially avoiding turn out when fragile soils are still wet) should lead to less trampling, grazing, and other disturbances to the proposed spring development areas, riparian zones that may be fenced off, and shallow soiled areas where root crops may grow.